

### **REMARKS/ARGUMENTS**

The Office Action of July 29, 2005, has been carefully reviewed and these remarks are responsive thereto. No amendments to the claims have been made. The listing of the claims is provided for the Examiner's convenience. Reconsideration and allowance of the instant application are respectfully requested in view of the following arguments.

#### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 1-18 are in condition for allowance and further for indicating allowable subject matter in claims 21, 26, 29, 30, 32, 33, 35, 39, 41-45 and 47-51.

#### **Declaration Under 37 C.F.R. § 1.131**

Claim 46 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Cleveland *et al.* (U.S. Patent Publ. No. US 2003/0112821, hereinafter "Cleveland"). Claims 19, 20, 22-25, 27, 28, 31, 34, 36-38 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cleveland in view of Cameron *et al.* (U.S. Patent No. 5,915,210, hereinafter "Cameron"). Applicants respectfully traverse these rejections.

Cleveland has a filing date of December 14, 2001, whereas the filing date of the present application is March 2, 2002. Applicants submit concurrently herewith a Declaration Under 37 C.F.R. § 1.131 establishing invention of the subject matter of the rejected claims prior to the filing date of Cleveland.

In addition, Cameron fails to teach or suggest all of the features of the rejected claims. For example, claim 19 recites, *inter alia*, "a digital broadcast receiver for receiving at least a first portion of said streaming information as a transmission burst...a receiver input buffer for storing said transmission burst." Nowhere does Cameron teach or suggest such a feature. At most, Cameron discloses two different base transmitters simultaneously transmitting a block of information, each, including message data to a mobile unit. Col. 10, ll. 46-50. However, such a method is wholly dissimilar to a receiver for receiving at least a first portion of streaming information as a transmission burst. In fact, Cameron does not even relate to streaming information. Claim 19 is

thus allowable. Claims 20 and 22-25 are dependent on claim 19 and are thus allowable for at least the same reasons.

Similarly, claim 31 recites, *inter alia*, "a transmitter system for broadcasting at least a portion of said streaming information as a transmission burst, said transmitter system including a service input buffer." Not only does Cameron fail to teach or suggest such streaming information, it also fails to teach or suggest a service input buffer. Claim 31 is thus allowable for substantially the same reasons as claim 19. Claims 34, 36-38 and 40 are dependent on claim 31 and are thus allowable for at least the same reasons as claim 31 and further in view of the novel and non-obvious features recited therein.

With Cleveland having been removed as an applicable reference and Cameron being insufficient to support the rejections, all the rejections are respectfully traversed. Should the Office deem the attached Declaration insufficient, Applicants reserve the right to provide additional evidence and/or to provide arguments over Cleveland based on the merits of the reference.

### CONCLUSION

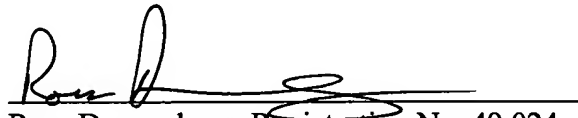
All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 19 day of Oct., 2005

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